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LAW OFFICES
KELLER AND HECKMAN

1001 G STREET, N.W.
SUITE 500 WEST
WASHINGTON, D.C. 20001

(202) 434-4100

TELEX 49 95551 "KELMAN"
TELECOPIER (202) 434-4646

JOSEPH E. KELLER
JEROME H. HECKMAN
WILLIAM H. BORGESANI, JR.
MALCOLM D. MACARTHUR
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FRANK C. TORRES III*
BRYANT ROBINSON III

SCIENTIFIC STAFF
DANIEL S. DIXLER, PH. D.
CHARLES V. BREDER, PH. D.
ROBERT A. MATHEWS, PH. D.
JOHN P. MODDERMAN, PH. D.
HOLLY HUTMIRE FOLEY
JUSTIN C. POWELL, PH. D.
JANETTE HOUK, PH. D.
LESTER BORODINSKY, PH. D.

TELECOMMUNICATIONS
ENGINEER
CHARLES F. TURNER

*NOT ADMITTED IN D.C.

WRITER'S DIRECT DIAL NUMBER

March 17, 1992

(202) 434-4142

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554
Federal Communications Commission
Office of the Secretary

Re: Metropolitan Water District of Southern California's Ex
Parte Presentation in ET Docket Number 92-9

Dear Ms. Searcy:

Transmitted herewith, on behalf of our client Metropolitan Water District of Southern California ("Metropolitan"), is a memorandum outlining an ex parte presentation made on this date to Cheryl A. Tritt, Legal Advisor to Chairman Sikes, by Metropolitan's Assistant General Manager, Michael J. McGuire, and the undersigned. This memorandum is filed pursuant to Section 1.1206 of the Commission's Rules governing ex parte presentations in non-restricted proceedings for inclusion in the public record.

If you have any questions concerning the above-referenced matter or require additional information, please feel free to call.

Very truly yours,

Shirley S. Fujimoto
Shirley S. Fujimoto

Enclosure

cc: Ms. Cheryl A. Tritt

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MAR 17 1992

SUMMARY OF
METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA'S
PRESENTATION IN ET DOCKET NO. 92-9

Federal Communications Commission
Office of the Secretary

• The Commission's proposal in the NPRM to permanently grandfather frequencies in the 2 GHz band that are currently licensed to state and local government entities from reallocation is unacceptable to Metropolitan. Under the terms of the NPRM, state and local government licensees such as Metropolitan would be "co-primary" with the emerging technologies slated for licensing in the 2 GHz band. Since the communications carried over the frequencies in the 2 GHz band which are licensed to Metropolitan and other state and local government licensees are of critical importance (*i.e.*, police, fire, and other public safety communications), being "co-primary" with other entities capable of causing severe, harmful interference to their communications is intolerable. As such, Metropolitan strongly urges the Commission to amend the NPRM to make any new technology entity licensed to operate on reallocated frequencies in the 2 GHz band secondary to the state and local government entities already licensed to operate in that band.

• The Commission's proposal to only grant applications filed with it after January 16, 1992 on a secondary basis is also unacceptable to Metropolitan. Metropolitan and other like entities will be unable to expand or modify their existing 2 GHz operations unless they are willing and able to accept being secondary to the emerging technologies slated for licensing in the 2 GHz band in the NPRM. Since, as mentioned above, the communications carried over its 2 GHz system are of critical importance, Metropolitan will be unable to live with being licensed on a secondary basis and will therefore not be able to expand or modify its existing 2 GHz operations. This inability to expand or modify its 2 GHz operations will adversely impact Metropolitan. Consequently, Metropolitan recommends that the Commission amend its proposal to create a spectrum reserve from which state and local government entities can draw to expand and/or modify their 2 GHz operations, and to make the expanded and/or modified operations of these entities primary with respect to any emerging technologies licensed in the 2 GHz band.

• The Commission's proposal to encourage existing users of the 2 GHz band to move their operations to higher frequency bands or alternate communication mediums by providing for "negotiated financial arrangements" is unworkable. In addition to being extremely vague, it is not clear that the proponents of the various emerging technologies would have any real incentive to persuade existing users of the 2 GHz band to voluntarily vacate the band since the proposal would require these users to vacate the 2 GHz band in 10 to 15 years. The program must be much more clearly defined.